

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

643L0377

HOUSE ENGROSSED NO. **HB 1148** - 02/08/2005

Introduced by: Representatives Van Etten, Brunner, Cutler, Frost, Hennies, Hunhoff, Jensen, Kraus, Krebs, Michels, Murschel, Peters, Rave, Roberts, Sebert, and Tornow and Senators Knudson, Abdallah, Bogue, Gray, Koetzle, Koskan, and Moore

1 FOR AN ACT ENTITLED, An Act to provide that certain statements and actions made by
2 health care providers are not admissible to prove negligence in medical malpractice actions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. No statement made by a health care provider apologizing for an adverse outcome
5 in medical treatment, no offer to undertake corrective or remedial treatment or action, and no
6 gratuitous act to assist affected persons is admissible to prove negligence by the health care
7 provider in any action for damages for personal injury or death alleging malpractice against any
8 health care provider. Nothing in this section prevents the admission, for the purpose of
9 impeachment, of any statement constituting an admission against interest by the health care
10 provider making such statement.

